THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.25120 of 2007

Between:

B.Yadagiri Reddy and others.

.. PETITIONERS

and

The Joint Collector-I and others.

.. RESPONDENTS

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WRIT PETITION No.25120 of 2007

ORDER:

This writ petition has been filed seeking a Writ of Mandamus declaring

the action of the 1st respondent in issuing proceedings in Case No.F1/1051/2001, dated 12-04-2005, in reversing the order of the 2nd respondent, dated 18-08-2000, in proceedings in File No.J/1620/2000, as illegal and arbitrary.

It is the case of the petitioners that originally the 4th respondent namely K.Sunder Reddy is the successor of the inamdar in respect of the land admeasuring Ac.19-31 gts. in Sy.No.175 situated at Korremal Village, Ghatkesar Mandal, Ranga Reddy District. On an application filed by respondents 5 to 33 herein for grant of occupancy rights under A.P. (Telangana Area) Abolition of Inams Act, 1955, (for short "the Act"), the Revenue Divisional Officer, Ranga Reddy East Division, after conducting enquiry, through order, dated 18-08-2000, in proceedings No.J/1620/2000, granted occupancy rights in their favour under Section 4 of the Act in respect of the said land admeasuring Ac.19-31 gts. It is stated that respondents 5 to 33 are in occupation of small extents of lands ranging between Ac.1-00 gts. and Ac.2-00 gts. Aggrieved by the order of the Revenue Divisional Officer, dated 18-08-2000, the 4th respondent filed an appeal before the 1st respondent under Section 24 of the Act and the 1st respondent after hearing both parties, set aside the order of the Revenue Divisional Officer, through proceedings in Case No.F1/1051/2001, dated 12-04-2005. Aggrieved by the said order, this writ petition has been filed contending that the petitioners are the bona fide purchasers of the lands in question and though W.P.No.25035 of 2006 filed by the 4th respondent questioning the said order of the 1st respondent, dated 12-04-2005, was dismissed by order, dated 01-12-2006, against which W.A.(Sr.).No.23192 of 2007 is pending, the said dismissal of the writ petition filed by the inamdar will not come in the way of the petitioners, as the petitioners are entitled to question the said order of the Joint Collector in setting aside the occupancy rights. It is further stated that the petitioners are the bona fide purchasers, but their vendors suppressed about pendency of the appeal before the Joint Collector and they have entered into an agreement of sale on 08-04-2004 i.e., before the order of the

Joint Collector, dated 12-04-2005, and after setting aside the occupancy rights by the impugned order, dated 12-04-2005, the petitioners obtained registered Sale Deeds on 13-04-2006. Therefore, the petitioners are entitled to question the said order of the Joint Collector, as to whether the order of the Joint Collector, dated 12-04-2005, suffers from any infirmities either legal or otherwise.

A perusal of the order of the Revenue Divisional Officer, who granted occupancy rights, goes to show that the 4th respondents grandfather is said to be the inamdar of the entire extent of the land admeasuring Ac.98-32 gts in Sy.No.175. It is the case of the vendors of the petitioners that 22 persons mentioned therein purchased the land admeasuring Ac.19-32 gts in sy.No.175 from one Venkata Seetha Ram Reddy through an unregistered Sale Deed, dated 25-07-1963 and the lands in question are not immersed in the Kunta. Therefore, basing on the unregistered Sale Deed, dated 25-07-1963, and on the material produced by the vendors of the petitioners herein showing that they are in occupation of the said land, they were granted occupancy rights.

A perusal of the order of the Revenue Divisional Officer goes to show that no material has been filed by the vendors of the petitioners for grant of occupancy rights and the persons in possession of the inam land must show their possession as on 01-11-1973.

Under Section 4 of the Act, every inamdar is entitled to get registered as an occupant of inam lands other than the lands set apart for the village community, grazing lands, mines, quarries, tanks, etc.

Admittedly, no documents have been filed before the Revenue Divisional Officer showing possession of the vendors except unregistered Sale Deed, dated 25-07-1963. In fact, no land can be transferred by an unregistered Sale Deed. In the absence of any relevant documents showing possession as on 01-11-1973, it cannot be said that either the inamdar or the alleged purchasers are in possession of the land in question as on 01-11-1973.

The Joint Collector, while considering the appeal, it has been held that

the entire land in Sy.No.175 has been shown as pote-kharab in Survey Settlement Records. Thus, it is nothing but Government land and kunta is existing on the said land. The name of the possessor was shown as Venkata Seetha Ram Reddy, who is said to be the inamdar and the nature of the crop was shown as padava.

It is not in dispute that after abolition of inams, all the rights, title and interest vested on the inamdar, vests in the Government, unless re-grant is made in favour of the occupant. A person is entitled for re-grant provided he satisfies the legal requirements by showing his possession as on 01-11-1973. The Appellate Authority held that the suit land is Government land and as per the Survey Settlement Record and the Revenue Records, there was no assessment and the alleged inamdar and the vendors of the petitioners managed to incorporate their names as inamdars/pattadars in the revenue records. In the absence of any re-grant, no title can be granted in favour of the inamdar or the occupant. Thus, it is stated that there is no record to show that it is an inam land and even assuming that the said land is an inam land, kummari kunta (tank) is existing on the said land and, therefore, neither inamdar nor the persons claiming from inamdar are entitled to any occupancy rights in respect of the tank land.

In view of the aforesaid order of the Appellate Authority, I am of the opinion that the petitioners failed to substantiate their contentions that the said land is an inam land and even if they are the inam lands, the petitioners and their vendors failed to establish that they are in possession of the said land as on 01-11-1973. Therefore, I do not find any ground to interfere with the order of the Appellate Authority.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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27-11-2007

Prv